BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
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ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2025-00021 Foundation for the Arts Rezoning

B. LOCATION MAP



C. PROPERTY INFORMATION

PIN: 9688-19-0048, 9688-19-1005

ADDRESS: 104 SHERWOOD RD

OWNER: FOUNDATION FOR THE ARTS AT THE CORE OF EDUCATION INC

ACREAGE: 0.38 acres, 0 acres

UTILITIES: Public water, MSD Sewer

ACCESS ROAD: SHERWOOD RD

D. REZONING REQUEST

Summary: Sarena Fuller, on behalf of Foundation for the Arts at the Core of Education, Inc. has applied to rezone two (2) parcels of land from R-1 Residential to NS Neighborhood Services.

Existing: R-1 Residential

Proposed: NS Neighborhood Services

E. PUBLIC NOTICE	Planning Board	Board of Commissioners
BC website:	8-6-25	8-6-25
Newspaper	8-6-25	9-2-25 and 9-9-25
Mailed to owners within 1,000 ft:	8-5-25	9-5-25
Physical posting on site:	8-8-25	9-5-25
Hearing Date:	8-18-25	9-16-25

F. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: APPROVAL	Staff recommends that the rezoning of the parcels be approved as it is consistent with the G.E.C recommendations from the 2043 Comprehensive Plan.

G. SPOT ZONING & STATEMENT OF REASONABLENESS		
Spot Zoning: *A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning." Spot Zoning, David W. Owens, April, 2020, quoting Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 45 (1972).*	**CONSISTENT**	**POTENTIAL SPOT ZONING**
1. Staff Analysis of spot zoning: The main subject parcel is approximately 0.38 acres in size. There is a second sliver, which is just under 204 sq ft. The recorded plat (PB 244/PG 142) states this sliver is to be recombined with the adjoining Foundation for the Arts property to the south at PIN 968819205100000 (2044 US 70 HWY). The properties are adjacent to R-1 to the north and northeast as well as along the Sherwood Rd right-of-way that borders to the west. It is adjacent to NS zoning to the south and southeast, as well as across Sherwood Rd to the west, where the rest of the NS-zoned ArtSpace Charter School facilities are. Staff does not consider this spot zoning.	**X**	

Statement of Reasonableness: *When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors:*	**CONSISTENT**	**IN-CONSISTENT**
1. The size, physical conditions, and other attributes of the area proposed to be rezoned	**X**	
2. The benefits and detriments to the landowners, the neighbors, and the surrounding community	**X**	
3. The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment	**X**	
4. The action taken is in the public interest	**X**	
5. Any changed conditions warranting the amendment	**X**	

H. 2043 COMPREHENSIVE PLAN CONSISTENCY

PLEASE NOTE: If a rezoning request is approved that is not consistent with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map (e.g., the Growth, Equity, and Conservation Map) in the approved plan. No additional request or application for a plan amendment shall be required per the statute.

GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):	**CONSISTENT**	**NOT CONSISTENT**
1. **FLUM CATEGORY DESCRIPTION** The proposed rezoning is consistent with the Character area description of 'Mixed Use I" where this parcel is located.	**X**	
2. **WASTEWATER & POTABLE WATER TYPE** The parcels are intended to continue to be served by public water and MSD.	**X**	
3. **DENSITY** The proposed zoning district has a maximum density of up to 12 units an acre, which is the same as the current R-1 zoning also allows 12 units per acre.	**X**	
4. **PRIMARY AND SECONDARY LAND USES** The uses allowed in the proposed zoning district include additional uses which are recommended in the Character Framework for this area.	**X**	
PLAN POLICIES AND ACTIONS:	**CONSISTENT**	**NOT CONSISTENT**
5. **Proximity to Transportation Corridor** *(Transportation Action 4)* The parcel is located just off of US 70 Hwy, which is a major transportation corridor in the County.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The density will not change since the allowable density is the same in R-1 and NS.	**N/A**	
7. **Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and increase the capacity to sustain the county's existing biodiversity** *(Env. Conserv. Action 3)* This parcel is in the Mixed Use I area on the GEC map which is designated as a growth area. There are no intact forest lands, wetlands, or other unique habitat that we know of.	**N/A**	
8. **Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration** *(Env. Conserv. Action 3)* This does not apply to this amendment.	**N/A**	
9. **Using the guidance of the GEC Map, work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.** *(Economic Dev. Action 2)* This property has the potential to attract a larger variety of commercial, mixed-use, and residential developments with the change from R-1 to NS.	**X**	

10. **Support the creation of place-based community gathering destinations at Walkable Destination Centers, Mixed Use Areas, and Rural Centers identified on the GEC Map** *(Economic Dev. Action 3)* This parcel is designated as a Mixed Use I on the GEC map. NS could allow for civic or commercial opportunities that can be accessed from the surrounding neighborhood.	**X**	
11. **Integrate equity considerations into projects that improve air, water, and land quality by utilizing tools including redlining maps of Asheville and other municipalities and EPA's Environmental Justice Screening Tool** *(Health Action 7)* The parcel is not in an area identified on the red lining map of Asheville however is has a high score on the Buncombe Community Index Map indicating that there may be vulnerable populations in the area of the rezoning.	**Equity Analysis is suggested for this parcel.**	
ENVIRONMENTAL:	**CONSISTENT**	**NOT CONSISTENT**
12. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not within an Overlay District.	**X**	
13. Regulated Flood Hazard Areas The parcel is not within a regulated flood hazard area.	**X**	
14. High or Moderate Hazard Stability Areas The parcel contains an insignificant amount of moderate and high hazard stability areas to the rear of the parcel.	**X**	

I. NEIGHBORHOOD CONSISTENCY			**CONSISTENT**	**NOT CONSISTENT**
1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:			**X**	
DIRECTION	**ZONING**	**ADJACENT USES**		
NORTH	R-1	Low density residential		
EAST	R-1, NS	Low density residential, school		
SOUTH	NS	School		
WEST	R-1, NS	School		
2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? *(Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.)* The rezoning of the properties from R-1 to NS could cause a increase in the types and intensity of uses allowed on the property compared to the current zoning. R-1 zoning is intended for low density housing. NS allows for some higher intensity commercial and other non-residential use, however it is intended for areas between established residental areas and heavy commercial uses to act as a transitional				**X**

area. Additionally, the zoning ordinance requires that a buffer be established between commercial and residential uses.		
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? Much of the the land along this part of US 70 Hwy is already zoned NS and the parcel currently intended for use as part of ArtSpace Charter School. The neighboring NS-zoned parcels are currently being used as a school by the owners. The uses in the NS zoning district are compatible with the current uses in the area and with US Hwy 70 as a major transportation and commercial corriodor.	**X**	

4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses in the district that are not currently allowed. Examples of new uses: Veterinarian clinics and kennels, clubs or lodges, community-oriented developments, larger day nurseries and kindergartens, group homes, healthcare facilities and medical clinics, libraries, manufactured home parks, travel trailers and travel trailer parks, motor vehicle maintenance and repair, gas stations, multifamily (up to 8-unit apartments), gyms, telecomm towers, and schools.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	Proposed District:
		R-1 Residential	**NS Neighborhood Service**
Min. Lot Size	No Public Sewer	30,000 SF	30,000 SF
	Public Sewer/No Water	10,000 SF	10,000 SF
	Public Water & Sewer	8,000 SF	5,000 SF
Max. dwelling units per acre		10 (no more than 2 units/lot)	12
Setbacks (Front/Side/Rear)		10/7/15 with public sewer 20/10/20 septic system	10/7/15 with public sewer 20/10/20 septic system
Max. height		35 feet	35 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

In 2024, these parcels were part of a special subdivision. On the recorded plat, Lot 2 (current PIN 968819100500000) states it is to be conveyed to and recombined with the commonly-owned parcel to the south (PIN 968819205100000). Art Space Charter school received a Special Use Permit to expand the school facility in 2022 (ZPH2022-00005).

J. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-1	**PROPOSED ZONING DISTRICT – NS**
The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing subdivisions from encroachment	The NS Neighborhood Service District is primarily intended to provide suitable locations for limited, neighborhood-oriented, commercial, business, and service activities in close proximity to major residential neighborhoods. The NS Neighborhood Service District is designed to allow for a mix of residential, commercial, business and service uses in limited areas along major traffic arteries and at key

of incompatible land uses, and this district does not allow manufactured home parks.	intersections leading to residential neighborhoods in order to provide such service to the residents of that particular neighborhood. As such, the type of uses allowed and the standards established for development in this NS Neighborhood Service District should be compatible with the residential character of the area and should neither add to traffic congestion; nor cause obnoxious noise, dust, odors, fire hazards, or lighting objectionable to surrounding residences; nor should they visually detract from the overall appearance of the neighborhood. The NS Neighborhood Service District should currently have water and sewer services or be expected to have such services in the foreseeable future.

K. EQUITY ANALYSIS

1. Buncombe County Government is utilizing an Equity Analysis Tool for certain types of planning-related development decisions. The following is Staff's Equity Analysis for this rezoning:

Based on this parcel's ranking on the Community Index Map, this parcel is located in an equity opportunity area. This parcel is in a Census Tract that ranks at 115 out of 153. The higher the number on the index, means that that the area faces more equity challenges. Equity Opportunity Areas fall between rankings of 94-153. Here are some factors to consider that contribute to the high ranking on the Equity Index:

- **28.6% of the population is Below the Poverty Line.**
- **$50,921 median HH income**

The Planning Board and Board of Commissioners should consider how the proposed rezoning will impact the surrounding neighborhoods and residents.

L. PLANNING BOARD RECOMMENDATION

1. BOARD BASIS FOR DECISION MAKING

The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- The requested change does not directly or indirectly result in the creation of spot zoning
- Size of the tract in question
- Compatibility of the change with the adopted 2043 Comprehensive Plan
- Benefits and detriments resulting from the change for the owner of the newly zoned property, their neighbors, and the surrounding community
- Relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts

References: Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002)
Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)

M. BOARD OPTIONS

The following options are available to the Board:

a. Recommend approval of the proposed rezoning as it is consistent with the Buncombe County 2043 Comprehensive Plan, as presented.
b. Recommend approval of a portion of the proposed rezoning as it is consitent with the Buncombe County 2043 Comprenhensive Plan.
c. Recommend denial of the proposed rezoning, as presented as it is inconsistent with the Buncombe County 2043 Comprehensive Plan.

N. ATTACHMENTS

- Application
- Maps